

**New Jersey State Board of Education  
Minutes of the Regular Monthly Meeting  
in the Conference Room on the First Floor,  
100 River View Executive Plaza  
Trenton, NJ**

**October 6, 2004**

**Presiding:** Arnold G. Hyndman, Ph.D., President

**Secretary:** William L. Librera, Ed.D., Commissioner

**PRESENT CONSTITUTING A QUORUM**

Dr. Ronald K. Butcher  
Ms. Debra Casha  
Ms. Maud Dahme  
Ms. Kathleen A. Dietz  
Mrs. Anne S. Dillman  
Ms. Josephine E. Figueras  
Dr. Thelma Napoleon-Smith  
Mr. Samuel J. Podietz  
Mr. Edward M. Taylor  
Mrs. Roberta Van Anda

**ABSENT**

Ms. Margaret F. Bartlett  
Mr. John A. Griffith

**CONVENING**

Arnold G. Hyndman, president, State Board of Education, convened the public meeting with the reading of the resolution pertaining to the public session of the State Board meeting as it complies with the Open Public Meetings Act.

**WHEREAS**, the New Jersey Open Public Meetings Act was enacted to insure the right of the public to have advance notice of and to attend the meeting of public bodies at which any business affecting their interest is discussed or acted upon, and

**WHEREAS**, in accordance with the provisions of this act, the State Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted in the Department of Education, Secretary of State's Office and notice also having been given to the State House Press Corps, the Governor's Office and the state board agenda subscribers, now therefore be it

**RESOLVED**, that by adopting this resolution the State Board of Education states its intention to convene a public meeting to conduct the state's business on October 6, 2004.

## **ADJOURN TO EXECUTIVE SESSION**

President Hyndman then read the resolution pertaining to the executive session of the State Board meeting as it complies with the Open Public Meetings Act.

**WHEREAS**, in order to protect the personal privacy and to avoid situations wherein the public interest might be disserved, the Open Public Meetings Act permits public bodies to exclude the public from that portion of a meeting at which certain matters are discussed, now therefore be it

**RESOLVED**, that consistent with the provision of *NJSA* 10:4-12(b), the State Board of Education will now adjourn to executive session to discuss personnel matters.

The State Board immediately adjourned to executive session.

## **RECONVENING**

President Hyndman reconvened the public meeting with the reading of the resolution pertaining to the resumption of the public session of the State Board meeting as it complies with the Open Public Meetings Act.

**WHEREAS**, consistent with the provision of *NJSA* 10:4-12(b), the State Board will now adjourn from executive session to resume the open session of this meeting.

## **STUDENT SPEAKERS**

Katie Wright, the 2004 student representative to the State Board of Education and a junior from Shawnee High School (Burlington County), introduced the student guest speakers.

Ashley Ridolfi, a student from Holy Cross High School (Burlington County), spoke to the State Board about bullying. To prevent bullying in every New Jersey school, Ashley recommended a program called R.E.S.P.E.C.T. which stands for “Reaching Each Student Personally Ending Childhood Torment.” She also stated that this program teaches students how to respect each other and remove the power of the bully. Ashley stated that the five-steps of R.E.S.P.E.C.T. are 1) spotting trouble; 2) singling out the bully; 3) taking a stand for the victim; 4) removing the power from the bully; and 5) restoring the victim’s sense of self-respect.

Jenna Bramble, a student from Burlington City High School (Burlington County), spoke to the State Board about the social effects of homogenous student grouping. She stated that although she prospered in a homogeneous environment with other students of the same mental caliber and performance standard, this method of grouping denied her the opportunity to interact with other students in her high school. She stated that this practice encourages separation and fuels stereotypes.

President Hyndman, on behalf of the State Board, thanked the student speakers for their presentations.

## **INTRODUCTIONS**

Commissioner Librera recognized Daniel Loggi, Atlantic County Superintendent of Schools, who represented the county superintendents. Dr. Loggi has served in this position since December 2003.

### **Student Recognition Program**

The State Board recognized Kelci Kile, a student from Absegami High School (Atlantic County), as a part of its monthly recognition program designed to honor a student or a group of students who have made a significant contribution to school, community, family or other groups.

The State Board recognized Kelci for her contributions to her school as a member of the Peer-to-Peer transition team, which helps incoming students make the transition to high school. Additionally, through her service as a peer mediator, Kelci helps her fellow students to resolve conflicts.

On behalf of the State Board, President Hyndman congratulated Kelci for her contributions to her school and community.

## **APPROVAL OF MINUTES OF THE MEETINGS**

On a motion duly seconded and carried, the State Board members approved the minutes of the meetings conducted on September 1, 2004 and September 13-15, 2004.

## **PRESIDENT'S REPORT**

### **State Board of Education Annual Policy Retreat**

President Hyndman stated that the State Board of Education held its annual policy retreat from September 13-15, 2004 at the University Inn and Conference Center at Rutgers University in New Brunswick, New Jersey. President Hyndman thanked the members of the Retreat Committee for their work in planning the retreat. The State Board Retreat Committee was chaired by Debra Casha with Ronald Butcher, Maud Dahme, Kathy Dietz and Samuel Podietz as members. He stated that during the retreat the State Board members discussed policies related to the implementation of the No Child Left Behind Act of 2001. President Hyndman also stated that the State Board considered vocational issues facing New Jersey and the new State plan for vocational education, draft legislation of the New Jersey Quality Single Accountability Continuum and the State Board's *Strategic Plan for Improvement in Public Education in the State of New Jersey*.

State Board Vice President Debra Casha thanked the retreat committee members for all of their work in planning the retreat and facilitating the retreat sessions.

### **Cancellation of the October Work Session and Public Testimony**

President Hyndman stated that the work session and public testimony session originally scheduled for October 20, 2004 has been cancelled. The State Board will accept written

comments for Amendments to *NJAC* 6A:8, Standards and Assessment for Student Achievement and Amendments to *NJAC* 6A:16, Programs to Support Student Development.

## **COMMISSIONER'S REPORT**

### **Summer HSPA Institute Summary**

Commissioner Librera presented a summary of the results of the Summer HSPA Institute. The institute was offered as a part of the department's efforts to seek positive alternatives to Special Review Assessment (SRA). The pilot program offered approximately 250 students, who had previously failed to achieve proficiency on one or both parts of the HSPA in March, the opportunity to receive five weeks of intensive tutoring, followed by a re-test in August. The summer institutes were held in Englewood, Vineland, Jersey City, Franklin Township (Somerset) and Hillside.

The test results are as follows:

- Of the 137 summer institute students who took the language arts portion of the test, 74.5 percent achieved proficiency. Of the 215 students who took the math portion of the test, 35.8 percent achieved proficiency. In order to graduate, students must demonstrate proficiency in both areas.
- Of the 17 students who took only the language arts portion of the test, 14 achieved proficiency. Forty-eight of the 95 students who took only the math part of the test achieved proficiency.
- Of the remaining 120 students who took both parts of the test, 90, or 75 percent achieved proficiency in either both parts or one part. Twenty-six students passed both parts of the test; 64 students passed one of the two parts.
- Specific proficiency rates achieved at the five sites ranged from 68.4 percent to 86.4 percent in language arts and from 21.4 percent to 54.3 percent in math.

Summer institute students who did not achieve proficiency on one or both of the tests will take the HSPA for the third time in October.

## **ITEMS FOR CONSIDERATION:**

On motions duly seconded and carried, the State Board of Education took the following action:

### **A. Appointments**

- Pursuant to N.J.S.A. 52:14B-3(1) and N.J.S.A. 18A:66-53.2, approved the appointment of Carmen Centuolo as County Superintendent of Union County. State Board member Maud Dahme abstained.

### **B. Certification of Districts**

- Certified for a period of seven years, the following districts pursuant to the Public School Education Act of 1975, *NJAC* 6A:30, Evaluation of the Performance of School Districts, and the *Manual for Evaluation of Local School Districts*.

<b>Bergen County</b>	<b>Cape May County</b>
Lyndhurst	Cape May County Vocational
North Arlington	<b>Passaic County</b>
Ridgefield Park	Ringwood
Rochelle Park	
Teaneck	

**C. Core Curriculum Content Standards**

- Adopted the resolution for the social studies standards pursuant to *NJAC* 6A:8.

**RESOLUTION TO ADOPT REVISED SOCIAL STUDIES STANDARDS**

**WHEREAS**, the State Board of Education has adopted rigorous Core Curriculum Content Standards and associated cumulative progress indicators which establish the basis for local curriculum and instruction for all students and the Statewide assessment system; and

**WHEREAS**, the State Board of Education is responsible under *NJAC* 6A:8-2.1(a)4 for initiating a review and readoption process for the Core Curriculum Content Standards every five years, based on recommendations by the Commissioner of Education; and

**WHEREAS**, review panels, comprised of K-12 educators, parents, and representatives from business, industry, and higher education have reviewed the revised Core Curriculum Content Standards for Social Studies; and

**WHEREAS**, the review panels considered the implementation of the standards in New Jersey over the last five years as well as developments in national standards, recent state and federal mandates, current and emerging issues, and the recommendations of external reviewers; and,

**WHEREAS**, the review panels have elicited extensive public input through regional feedback sessions, written feedback, and electronic feedback submitted through the department's website; and,

**WHEREAS**, the Department of Education and the State Board of Education have further reviewed and refined the standards and expectations based on testimony gathered through public hearings and a review by Achieve, Inc; now therefore be it

**RESOLVED**, that the New Jersey State Board of Education hereby directs that these revised social studies standards, along with the accompanying cumulative progress indicators, will become immediately applicable to all students; and be it further

**RESOLVED**, that the revised Core Curriculum Content Standards for Social Studies, dated October 6, 2004, will serve as the basis for any state or local assessments deemed appropriate by the Department of Education and the State Board of Education; and be it further

**RESOLVED**, that the State Board of Education will initiate the review and adoption of the Core Curriculum Content Standards beginning in May 2008, and be it further

**RESOLVED**, that the State Board of Education commends the many individuals and organizations, both within the State and beyond its borders, who have contributed to the revision of these standards.

**D. State Board of Examiners**

- Adopted the resolution approving the appointments to the State Board of Examiners in accordance with *NJSA* 18A:6-34 and 35.

**RESOLUTION TO APPOINT STATE BOARD OF EXAMINERS**

**WHEREAS**, pursuant to *NJSA* 18A:6-38, the State Board of Examiners is responsible for issuing, revoking and suspending educational certificates under rules prescribed by the State Board of Education; and

**WHEREAS**, pursuant to *NJSA* 18A:6-34, members of the State Board of Examiners are appointed by the Commissioner of Education with the approval of the State Board of Education; and

**WHEREAS**, the Commissioner, after consulting with members of the education community, recommends the appointment or reappointment of individuals; and

**WHEREAS**, the individuals recommended have established reputations for distinguished service; now therefore be it

**RESOLVED**, that the State Board of Education hereby approves the appointments of the following to the State Board of Examiners, until September 15, 2005 to complete the unexpired terms of former members:

Dr. R. Barbara Gitenstein  
President, The College of New Jersey

Mr. Richard Kaplan  
Superintendent  
New Brunswick School District

**E. Professional Licensure and Standards**

- Adopted the amendments at *NJAC* 6A:9-8.1, 11.1 and 11.2 pertaining to flexibility in the use of the GPA and State test performance as criteria for teacher certification eligibility requirements pursuant to *NJSA* 18A:4-15.

**F. Special Education Advisory Council**

- Approved the reappointments to the State Special Education Advisory Council pursuant *NJSA* 18A:46-2 and *USPL* 94-142.

**RESOLUTION TO REAPPOINT**  
**THE STATE SPECIAL EDUCATION ADVISORY COUNCIL**

**WHEREAS**, *NJSA* 18A:46-2 requires that the Commissioner shall appoint biannually an advisory council for special education with the approval of the State Board which will consist of not fewer than seven nor more than 15 members representative of professionals in the field of special education and parents of children with disabilities; and

**WHEREAS**, *NJSA* 18A:46-2 defines the role of the advisory council as advising in the promulgation of rules, regulations and implementation of *NJAC* 6A:14 and the establishment of standards and qualifications for the professional personnel and further provides that the council members shall serve without remuneration; and

**WHEREAS**, the reauthorized Individuals with Disabilities Education Act (IDEA) of 1997 amendments require each state education agency to have an advisory panel for special education; and

**WHEREAS**, the New Jersey Department of Education has established and maintains an advisory panel, known as the State Special Education Advisory Council, for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State; and

**WHEREAS**, the advisory panel consists of members, appointed by the Governor, that are representative of the state population and are composed of individuals involved in, or concerned with, the education of children with disabilities, including: (i) parents of children with disabilities; (ii) individuals with disabilities; (iii) teachers; (iv) representatives of institutions of higher education that prepare special education and related services personnel; (v) state and local education officials; (vi) administrators of programs for children with disabilities; (vii) representatives of other state agencies involved in the financing or delivery of related services to children with disabilities; (viii) representatives of private schools and public charter schools; (ix) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and (x) representatives from the state juvenile and adult corrections agencies; and

**WHEREAS**, a majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities; and

**WHEREAS**, the advisory panel shall: (i) advise the department of unmet needs within the state in the education of children with disabilities; (ii) comment publicly on any rules or regulations proposed by the department regarding the education of children with disabilities; (iii) advise the department in developing evaluations and reporting on data to the Secretary of the United States Department of Education under Part B Sec. 618 of the Individuals with Disabilities Education Act; (iv) advise the department in developing corrective action plans to address findings identified in federal monitoring reports under this part; and (v) advise the department in developing and implementing policies relating to the coordination of services for children with disabilities; now therefore be it

**RESOLVED**, that the State Special Education Advisory Council meets the state mandate for an advisory council and the federal requirements for an advisory panel; and be it further

**RESOLVED**, that the Commissioner recommends that Ms. Susan F. Vonsover be reappointed to the State Special Education Advisory Council for a two-year term beginning October 6, 2004. Ms. Vonsover is currently the Assistant Superintendent/Pupil Services in Howell Township. Prior to her position in Howell, Ms. Vonsover served for ten years as the Director of Pupil Personnel Services in Manalapan. She has served effectively on the Council's Rules and Regulations and Inclusion Committees; and be it further

**RESOLVED**, that the Commissioner recommends that Dr. Norma Blecker be reappointed to the State Special Education Advisory Council for a two-year term beginning October 6, 2004. Dr. Blecker is an Assistant Professor at the Richard Stockton College of New Jersey. She has considerable experience in the field of education, including a ten-year tenure as the Director of Special Education for the Upper Township School District. In addition to her teaching duties, Dr. Blecker is a frequent presenter at parent and professional workshops on topics related to special education.

**G. Marie H. Katzenbach School for the Deaf**

- Approved for publication in the *New Jersey Register* the readoption with amendments of the Marie H. Katzenbach School for the Deaf regulations at *NJAC* 6A:21 pursuant to *NJSA* 18A:1-1, 18A:4-15, 18A:6-10 et seq., 18A:39-1, 18A:46-1 et seq., 18A:60-2 through 60-3 and 18A:61-1 et seq.

**H. Controversies and Disputes**

- Approved for publication in the *New Jersey Register* the readoption with amendments to the Controversies and Disputes regulations at *NJAC* 6A:3-1.1 et seq., pursuant to



NJSA 18A:4-15, 18A:6-9, 18A:6-10 et seq., 18A:7G-12, 18A:11-3, 18A:12-29, 18A:29-14, 18A:38-1, 18A:38-13 and 18A:60-1.

Prior to the lunch break, Commissioner Librera stated that he wanted to acknowledge the passing of John Greico, superintendent, Englewood Public Schools, Bergen County Special Services School District and Bergen County Vocational Schools, on Saturday, October 5, 2004. He also acknowledged the passing, on October 3, 2004, of Dr. Geraldine Archuleta, an assistant principal and supervisor for World Language, Art, Music, Social Studies, English, Nurses and Media at Shawnee High School in Medford, NJ.

**I. Professional Licensure and Standards**

- Approved for publication in the *New Jersey Register* the amendments at *NJAC* 6A:9 pertaining to structured learning experiences, a new endorsement for office administration/office systems technology and grandfathering provisions pursuant to *NJSA* 18A:4-15.

**J. Standards and Assessment for Student Achievement**

- Discussed the readoption with amendments of the Standards and Assessment regulations at *NJAC* 6A:8 pursuant to *NJSA* 18A:7A-4 through 14, 18A:7C, 18A:7E-2 through 5, 18A:35-4.2, 18A:35-4.7, 18A:59-5 and 18A:7F-4, 4.1 and 4.2.

**K. Adult Education**

- Discussed the fee structure amendments of the Adult Education regulations at *NJAC* 6:30 pursuant to *NJSA* 18A:1-1, 18A:4-15, 18A:7C-1 et seq., 18A:27-2, 18A:48-1, 18A:49-1 through 8, 18A:50-12, 13, and 14, and the Adult Education Act, 20 U.S.C. §§ 1201 et seq.

**L. Students At Risk of Not Receiving A Public Education**

- Discussed the amendments to Students at Risk of Not Receiving a Public Education proposed at *NJAC* 6A:17 pursuant to *NJSA* 18A:38-1, 18A:7B-12, 18A:7B-1 et seq., 18A:7F-1 et seq., and No Child Left Behind Act 2001, Public Law 107-110 et seq.

**M. Programs to Support Student Development**

- Discussed the amendments pertaining to Student Conduct proposed at *NJAC* 6A:16-7 pursuant to *NJSA* 18A:1.1, 18A:4-15, 18A:37-1 to 5, 18A:38-1 to 36, 18A:40-1 to 40A-21.

**N. Student Transportation**

- Discussed the readoption with amendments of the Student Transportation regulations at *NJAC* 6A:27, pursuant to *NJSA* 18A:4-15, 18A:39 et seq. as amended.

## **O. Commissioner's Recognition Of Award Winners**

### **• Teacher of the Year Award**

Richard Ten Eyck introduced Peggy Stewart, the 2004-2005 State Teacher of the Year. President Hyndman and Commissioner Librera congratulated Ms. Stewart on behalf of the State Board and the Department and presented her with a gift for being selected State Teacher of the Year. Mrs. Stewart is a social studies teacher and a school-wide enrichment teacher at Vernon Township High School in Vernon (Sussex County).

Ms. Stewart has taught at the Vernon Township High School for 14 years. She obtained a bachelor's degree in history with a K-12 teaching certification from William Paterson University and a master's degree in liberal studies from Ramapo College. The pursuit of her master's thesis led to her first hand experience in world cultures. She has traveled extensively in China and Mongolia including a six-week field study as a part of Yale University's program in international educational resources. As a Yale fellow and senior fellow, she's had the opportunity to share her experiences at several national and regional conferences. She became a teacher to help students understand that knowledge is a tool of life. Mrs. Stewart has also developed two seed projects: (1) the Senior Citizen Technology Program, where students teach computer skills to senior citizens; and (2) a political think tank, a student organization that promotes political discussion and awareness within the community for which she has received grant money.

As part of the award, Mrs. Stewart was granted a half-year sabbatical sponsored by the Educational Testing Service. Additionally, the Saturn automotive retailers of New Jersey will provide a new Saturn for her use as she represents New Jersey in the coming year. As New Jersey's Teacher of the Year, Mrs. Stewart will represent New Jersey in the National Teacher of the Year competition, which is co-sponsored by the Council of Chief State School Officers and Scholastic, Inc. The national winner will be announced in April 2005 at a special ceremony in the Rose Garden at the White House.

### **• Presidential Award for Excellence in Science and Math**

Commissioner Librera presented four New Jersey teachers recognized for their contributions to the teaching of mathematics and science through the Presidential Awards for Excellence in Science and Mathematics Teaching. This award is the nation's highest honor for teachers of mathematics and science in grades K-12. Each national award consists of a \$10,000 grant from the National Science Foundation. Teachers are selected for the program based on their teaching performance, background and experience, and their participation in activities both in and out of school that relate to their roles as teachers.

Richard Ten Eyck, assistant commissioner of the Division of Educational Programs and Assessment, introduced the recipients of the Presidential Awards for Excellence in Science and Mathematics Teaching.

The following two teachers were selected as national winners for the 2003 Presidential Awards program:

<b>Recipient</b>	<b>Subject Taught</b>	<b>School</b>
Marilyn Steneken	Secondary Science	Sparta Township Middle School Sparta Township School District
Ellen LeBlanc	Secondary Science	High Technology High School Monmouth County Vocational-Technical School District

The following two teachers were selected as state finalists for the 2004 Presidential Awards program:

<b>Recipient</b>	<b>Subject Taught</b>	<b>School</b>
Michele Mandara	Elementary Mathematics	Holland Brook Elementary School Readington Township School District
Ashley Rothbard Berk	Elementary Mathematics	Travell Elementary School Ridgewood Village School District

At the conclusion of the recognition portion of the meeting, President Hyndman congratulated the 2003 and 2004 winners on behalf of the State Board. President Hyndman also thanked the Commissioner and department staff for their work in coordinating recognition programs to honor outstanding educators.

### **NEW BUSINESS**

There was no new business.

### **LEGAL CASES**

On motions duly seconded and carried, decisions in the following cases were adopted by the board as presented by legal committee members Kathleen Dietz, Roberta Van Anda, and Debra Casha, chairperson.

**DEBORAH E. CIAMBRONE V. GERALD WITTY AND THE BOARD OF EDUCATION OF THE BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, STATE BOARD DOCKET #17-01**

---

The appellant, a teaching staff member, alleged that respondent Witty, a member of the district board, had abused his authority by accessing her personnel records and conveying information regarding his review to a parent. The appellant further alleged that the district board's failure to sanction Witty for such conduct was arbitrary and capricious. An Assistant Commissioner of Education dismissed the petition, concluding that the Commissioner did not have jurisdiction over the appellant's claims. However, he reminded the district board of its responsibility to ensure that access to personnel files by board members was confined within established parameters.

The State Board of Education voted unanimously to affirm with modification the Assistant Commissioner's decision to dismiss the petition. The State Board agreed that the Commissioner did not have jurisdiction over the appellant's claim that Witty had violated her privacy rights. It also concurred with the Assistant Commissioner's determination to dismiss the appellant's claim against the district board. However, it modified his analysis. Initially, the State Board concluded that the Commissioner had jurisdiction over the appellant's claim that the district board had acted in a manner that was arbitrary and capricious when it failed to take action against Witty. However, even accepting as true the facts alleged in the petition, the State Board concluded that the appellant had not provided any basis for a finding that the district board had acted in a manner that was arbitrary or capricious in responding to her allegation. The board, through its counsel, had informed the appellant that it had investigated her allegation but was unable to ascertain its veracity. Counsel added that members of the board and the administrative staff had been reinstructed on the confidentiality of personnel records.

When a local board acts within its authority, its decision is entitled to a presumption of correctness and will not be disturbed absent an affirmative showing that the decision was arbitrary, without rational basis or induced by improper motives. The burden of demonstrating such a deficiency rests with the party challenging the decision. In this case, the appellant did not challenge the veracity of the district board's response to her charge. Rather, she made unsupported accusations that the board had failed to investigate properly and had failed to address Witty's behavior in an appropriate fashion. In the absence of any substantiation for those claims, the State Board concluded that the appellant had failed to provide any basis for a finding that the district board's actions were arbitrary, capricious or unreasonable.

**IN THE MATTER OF THE DENIAL OF THE CHARTER SCHOOL APPLICATION OF THE GREAT FALLS CHARTER SCHOOL, PASSAIC COUNTY, STATE BOARD DOCKET #38-04**

---

The State Board of Education voted unanimously to grant the motion filed by the Commissioner of Education to participate in this matter and to deny the appellant's motion for a stay of the Commissioner's decision denying it final approval to operate a charter school.

**IN THE MATTER OF THE DENIAL OF THE ISSUANCE OF A TEACHING CERTIFICATE TO OTTO KRUPP, STATE BOARD DOCKET #32-04**

---

The appellant, a former teacher who had been convicted of first-degree murder in 1979, challenged the determination by the State Board of Examiners to deny his application for certification after revocation. The Commissioner of Education dismissed the petition, concluding that the appellant was disqualified from holding a teaching certificate. The Commissioner added that even if a certificate could be awarded to the appellant, insufficient time had passed for him to demonstrate his rehabilitation. The State Board of Education voted unanimously to affirm the decision of the Commissioner.

**HOWARD SOLOMON V. PASSAIC COUNTY EDUCATIONAL SERVICES COMMISSION, PASSAIC COUNTY, STATE BOARD DOCKET #33-04**

---

Petitioner, who had been superintendent of the educational services commission, alleged that the commission had improperly terminated his employment without giving him two years' notice as required by his employment contract. He claimed that, as a result of such failure, his contract

had been renewed for an additional five-year term. Rejecting the commission's argument that the two-year notice provision in the contract was invalid under *NJSA* 18A:17-20.1, which requires a board to notify a superintendent of its intent not to renew his employment at least one year before expiration of the contract, the Commissioner of Education concluded that the contractual provision at issue was valid and enforceable.

However, the Commissioner concluded that further proceedings were required at the Office of Administrative Law in order to determine the relief to which the petitioner was entitled. The Commissioner found that an outstanding issue remained with regard to the length of the renewal term. In addition, the record did not permit a determination of the back pay and benefits to which the petitioner would be entitled. The State Board of Education voted unanimously to affirm the decision of the Commissioner.

IN THE MATTER OF THE NONRENEWAL OF THE NONCITIZEN TEACHING  
CERTIFICATE OF LORNA C. STAPLES PURSUANT TO *NJSA* 18A:6-39 AND *NJSA*  
18A:26-8.1, STATE BOARD DOCKET #31-04

The State Board of Education granted the motion filed by the State Board of Examiners to participate in this matter. Maud Dahme abstained.

IN THE MATTER OF THE TENURE HEARING OF SABINO VALDES, BOARD OF  
EDUCATION OF THE CITY OF UNION CITY, HUDSON COUNTY, STATE BOARD  
DOCKET #30-03

The State Board of Education granted the appellant's motion for reconsideration of its decision of August 4, 2004, in which it affirmed the decision of the Commissioner of Education to dismiss the appellant, a tenured custodial employee, from his tenured employment for insubordination and unbecoming conduct. However, after reconsideration of the record and review of the papers filed on the motion, the State Board voted unanimously to reaffirm its decision of August 4.

**ADJOURNMENT**

On a motion duly seconded and carried the State Board of Education adjourned its October 6, 2004 public meeting at 4:25 p.m.

---

William L. Librera, Ed.D., Commissioner  
Secretary, NJ State Board of Education